

SENATE BILL 1480

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to criminal offenses involving drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(g)(1), is amended by deleting the language "one-half (1/2) ounce (14.175 grams)" and substituting the language "one (1) ounce (28.350 grams)".

SECTION 2. Tennessee Code Annotated, Section 39-17-418(a), is amended by deleting the language "controlled substance" and substituting the language "controlled substance except marijuana as defined in subdivision (b)(3)".

SECTION 3. Tennessee Code Annotated, Section 39-17-418(b), is amended by deleting the subsection and substituting the following:

(b)

(1) It is an offense for a person to sell or distribute marijuana in an amount less than one (1) ounce (28.350 grams).

(2) It is an offense for a person to knowingly possess or casually exchange marijuana.

(3) As used in this subsection (b):

(A) "Casually exchange" means the spontaneous passing of a small amount of marijuana that does not involve, in exchange for the marijuana, the payment of money or a gift card, debit card, credit card, or other card, coupon, or token that is capable of being exchanged for money, merchandise, or goods; and

(B) "Marijuana" means marijuana in the form of a plant and does not mean marijuana in another form, including, but not limited to, a resin, compound, derivative, concentrate, or oil.

SECTION 4. Tennessee Code Annotated, Section 39-17-419, is amended by deleting the language "It may be inferred" and substituting the language "Except as provided in subsection (b), it may be inferred".

SECTION 5. Tennessee Code Annotated, Section 39-17-419, is amended by redesignating the current language as subsection (a) and adding the following as a new subsection:

(b) The intent to sell or otherwise dispense shall not be inferred solely from the possession or casual exchange of less than one (1) ounce of marijuana as defined in § 39-17-418(b)(3)(B); however, other relevant facts surrounding the arrest may be used to infer such intent.

SECTION 6. It is the intent of the general assembly to use the savings created by this act to fund witness relocation and protection programs operated by the attorney general and reporter.

SECTION 7. This act takes effect July 1, 2021, the public welfare requiring it.